

REMARKS

1. Ambiguity Noted within the Detailed Action

Applicants note that the first paragraph of p. 3 of the Detailed Action states that "Claims 1, 2, 4-17, 19-31 and 33-42 are rejected." This statement does not disclose the status of claim 18 and indicates that claim 40 is "rejected." Also, the statement is ambiguous because the claims recited therein do not match those recited within lines 6 and 7 of the Office Action Summary as being either rejected or objected to.

Applicants also note, however, that each of the claims recited within lines 6 and 7 of the Office Action Summary are discussed in detail as rejected or objected to within the supporting paragraphs of the Detailed Action, thus confirming each claim's status.

Applicants thus disregard the first paragraph of p. 3 of the Detailed Action and respond to the claims as rejected or objected to in accordance with both the recitations of lines 6 and 7 of the Official Action Summary and the detailed explanations of the supporting paragraphs of the Detailed Action.

2. Claim Amendments

Claims 1-42 are under consideration. Claims 1, 2, 4-31, 33-39, 41 and 42 are rejected under §103(a) as being unpatentable over Bullard. Claims 3, 32 and 40 are objected to as being dependent upon a rejected base claim. Applicants note with appreciation the indication that claims 3, 32 and 40 define allowable subject matter if rewritten in independent form to include all limitations of the base claim and any intervening claims.

Claims 1, 30 and 37 have been amended in accordance with the Examiner's suggestions to include the limitations of dependent claims 3, 32 and 40, respectively. Because the limitations

of dependent claims 3, 32 and 40 were incorporated into amended claims 1, 30 and 37, respectively, Applicants have canceled dependent claims 3, 32 and 40 without prejudice. Applicants have also canceled claims 12-29 and 41-42 without prejudice to re-file in a related Continued Examination Application. Claims 1, 2, 4-11, 30, 31 and 33-39 remain in this application.

In accordance with the Examiner's suggested amendments, claim 1, directed to an elongate viewing assembly for use as part of an endoscope, was amended to include the pre-curved rest limitation of dependent claim 3. Claim 30, directed to a viewing assembly for use as part of an endoscope, was amended to include the pre-curved configuration limitation of dependent claim 32 and to correct a typographical error within the preamble. Claim 37, directed to an endoscope, was amended to include the distal tip diameter limitation of dependent claim 40.

The present amendments to claims 1, 30 and 37 are deemed to obviate the obviousness rejections to claims 2, 4-11, 31, 33-36, 38 and 39 as depending respectively therefrom.

None of the amendments introduce new matter and are made in a bona fide effort to place the claims in a better form for allowance, or in the alternative, in a better form for the purpose of consideration on appeal.

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Applicants respectfully submit that the application is in condition for allowance and request same.

Respectfully submitted,

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By:


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CERTIFICATE OF MAILING

I hereby certify that this paper is being and its attachments are being deposited with the United States Postal Service on the date shown with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 5, 2004.


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